request the House just to wait till we come to a definite decision regarding the Chalakkudi diversion.

Mr. P. Krishna Menon.—May I have some idea about the comparative yield of the kuttadan cultivation?

Mr. V. K. Aravindaksha Menon.—Last season, kuttadan cultivation yielded 10 to 15 fold, while the yield of the kole was on an average 10 or 12 fold.

Mr. P. Krishna Menon.—So, the average in the yield in kole cultivation is less than that in kuttadan cultivation.

Mr. C. V. Kuriyan.—May I know whether the Travancore Government is trying to divert the Chalakkudi river water?

Mr. V. K. Aravindaksha Menon.—They are trying to divert water to Angamali.

Mr. C. V. Kuriyan.—In view of the submission made by the Hon'ble Member I withdraw the resolution.

The resolution was, with leave, withdrwan.

16. Retirement of Government Servants after the age of 55.

Mr. E. Ikkanda Warriar.—Sir, I move the following resolution.

This Council recommends to the Government to observe strictly the rule which requirs that all the Government servants should retire after the age of 55.

Deputy President.—It is being observed now.

Mr. E.Ikkanda Warriar.—It is being observed, after the advent of the present Diwan. But we do not know whether he is going to pursue that policy hereafter. I do not think any speech is necessary on the point. I formally move this resolution.

Mr. C. A. Kunjunni Raja.—I second the resolution. There is an identical resolution standing in my name, resolution No. 26. "This Council recommends that the rule that an officer should retire on attaining his 55th year from the Government service may be strictly enforced in future."

Mr. E. Ikkanda Warriar.—I may be permitted to substitute for the words "after the age of 55", the words "on attaining the age of 55".

Mr. C. A. Kunjunni Raja.—In the year 1103 the present Member for Trichur moved a resolution which was rather couched in a very unhappy language. I shall read that resolution: "This Council recommends that the rule that an officer should retire on attaining his 55th year be deleted from the Service rules" From his speech it will be found that he was for retaining all officers for ever. I moved an amendment then, that only those who then attained the age of 55 need be retained for ever for their capacity was tested by the Government, who found them increasing in strength with advancing age and the rule may be retained to

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the rest. I think the Government, from the trend of the discussions, which you will be pleased to peruse, never understood that the resolution was a huge joke. The ironical tone of the resolution was realised only after some discussion of this resolution and the amendments. The object was only to expose the then Government for many started their official career after the age of 55 then. Now, there is a Government which takes these resolutions very seriously and it is not for us to approach this question in a very light tone. I am glad there is considerable improvement in that the number of officers who have attained the age of 55 has now been reduced to a very great extent. In answer to a question in the Vrischigam Session, the list of superannuated officers show only seventeen and of these a large number has since retired and from what is now seen from the Proceedings of the Government is that they have no idea to give any more extension and the object of the resolution will be practically carried out.

Rama Varmha Tampuran.—Government do not oppose that at all. While they accept the resolution, they will have to do it in very exceptional cases.

Dr. A. G. Menon.—Those exceptions should be done away with.

Deputy President.—Every rule has an exception.

Rama Varmha Tampuran.—They accept the rule subject to the reservation, that whenever exceptional cases arise their hands should not be fettered. In all other respects, it will be strictly followed, as far as possible.

Mr. E. Ikkanda Warriar.—Do you use the expression 'as far as possible', in the sense in which you have been doing?

Rama Varmha Tampuran.—Generally, Government use the words "as far as possible". So, with this reservation Government accept this resolution.

Dr. A. R. Menon.—The rule clearly says that on the completion of the 55th year an officer may retire and our policy is to entertain officers after 55. When the matter assumed a serious proportion we thought it would be better to make the hands of the Government stronger and we proposed that the rule regarding age limit be deleted from the Cochin Service Regulations. I do not believe that any of you, Gentlemen, are irremovable. I do not think that any Member of this House is indispensable. I do not believe any man in this world is indispensable. I do not understand when a man says that so and so is indispensable. If that be the case, why do you want an 'as far as possible' or to provide a proviso there?

Mr. K. Krishna Pisharodi.—The rule is: "An officer in superior service who has attained the age of 55 years shall be required to

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retire unless the Diwan considers that the public interests require his retention and permits him to remain in the service".

Dr. A. R. Menon.—Now, we see that the most reasonable interpretation of the rule has been abused for a number of years. Nobody will object to that rule; no one in his proper sense will oppose that rule. If the Government think that in the interests of public service they have been abusing this rule, anybody will get up and say that you have been doing it for the purpose of self-seeking and self-interests. Therefore, we see that even a reasonable proviso can be converted to suit the self-interest of some officers of the Government and so far as we are concerned it would be better not to accept any. How beautiful it reads?—so very reasonable and properly worded—and using that to appoint men after 55? Therefore this resolution may be carried out and it need not be carried out with any proviso or reservation.

Mr. A. B. Salem.—Sir, our point is that although this rule exists, the exceptions have been made the rule and the rule the exception. I think there is a rule also in the Cochin Service Regulations to the effect that men who have attained a certain age shall not be entertained in any Department. For instance, youngsters when they are to enter a Department, must not be above a certain age—what is called the age bar. If such a rule were existing, how was it possible for you to appoint persons who have passed their retiring age and have taken their pensions elsewhere? That was the trouble. If you could do like that for years, we do not know what the rule was or what the exception was. There were two cases like that and in one case we had to walk out. On Mr. John Kurian's appointment we had to walk out. They were past their retiring age; yet they were entertained. How was it possible? Now, when we asked for a little Executive Council of the House to be associated with the administration what a lot of opposition was seen. If such an Executive Council existed these things would not have happened and they would not have consented to the appointment of the Head of the Medical Department, who has retired now. Is it not for helping the administration that we asked for these councils? They would not have consented to the appointment of persons who have taken their pensions elsewhere. What was the justification? The Government thought that they were necessary! That is all. Where is the rule enabling you to do that? You did not make a rule even for that purpose. It was then the Hon'ble Member for Trichur tried to make a rule or rather to delete the rule of the 55 years age. If you can entertain any body after 55 or 60 and retain them as long as you please that would have been better. But on the other hand even now when the Council is

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working we want a little of this rule-making power. That rule was made in the old bureaucratic days. If the Diwan thinks it necessary in the public interest he shall extend the term of an officer. Now we have got to associate with the Government, and the Legislative Council can certainly give suggestions and see how a rule already in existence, which has been abused, can be modified in order that such extensions shall not take place. Of course you would stand up and say why the discretion of the Diwan is checked. If we find that the power of discretion was abused and was made to use for purposes for which it was not intended, is it not time for this Council to come forward and say that a discretion which is capable of being abused in such a palpable manner and glaringly too, setting at nought other provisions of the Civil Service Regulations, ought to be taken away? That is the only suggestion of the House and I think the House is right in insisting and saying that everybody, when they attain their age of 55, must retire. It there is a rule, that must be enforced. As late as December 1930—and we are only 3 months in 1931—we had 16 officers over the age of 55 working, of whom one had 65 years to his credit. A warder in the Central Jail—it was certainly not necessary to retain him in service. Dr. Verghese was 65 and had four extensions. Where was the rule to give such extensions? Of course it pleased you to do so and you did so. What an administration?—nobody to check and control from that side or this side or from any side Therefore it is we ask for control. You feel very indifferent. Are we to be controlled? The whole system of the Government is based on control. It is the absence of that control that we are agitating against. How can we control you? You will do whatever you please. You will have rules and you will violate the rules, you make the rule and you will abrogate the rule and do as you please. When we say that we shall control you, you will stand up and raise a lot of opposition. You are only Government servants and no one else will side with you in the country as has been seen just before. There was not a single Member from the non-official side to side with the Government. Dr. Veigas is himself a pensioner and has been nominated. Even the Member for the so called Depressed Class brethren voted with us.

Here is another case—one E. Sankara Menon, a shroff in the C. K. Treasury, who is 59. After all this agitation that was going on here these people are kept on according to the will and pleasure of the Government. What was the real public necessity that the Diwan wanted to retain him? Whenever you do exercise your discretion under that rule, is it not, at least in these days when public opinion has a part in the administration

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necessary to make it known to the public the reasons that have weighed with the Diwan in giving extensions under that rule? Even that much is denied to us. Then what are we to do? We must come here and construct rules without any discretion whatsoever. Of course, if it was a Ministerial Government, the Government will be by the people and will be according to popular will. Then that discretion can be vested and if if is used wrongly, then he will not be in power any longer. If that discretion is used wrongly and still he can be in power, it is that system which we want to bring to an end. That is not possible if the power is not with us. What can we do? We have the power only of rule making. I do not think it would be fair for the Government still to oppose, and it will not be fair for the members of the House to pass on without protest any more; and I think, in the interest of good administration of the country and for the services, we shall have this resolution pressed to a division.

The House rose for the day at 5 p. m.

T. K. KRISHNA MENON,

Secretary to the Council.

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